UNITED STATES DISTRICT COURT WESTERN DISTRICT OF NORTH CAROLINA CHARLOTTE DIVISION DOCKET NO. 3:15-cv-00035-MOC-DCK

VIVIAN C. MITCHELL,)	
Plaintiff,)	
Vs.)	ORDER
IONA IVEY and CONVERGYS CORPORATION,)))	
Defendants.)	

THIS MATTER is before the court on review of a Memorandum and Recommendation issued in this matter (#21). In the Memorandum and Recommendation, the magistrate judge advised the parties of the right to file objections within 14 days, all in accordance with 28, United States Code, Section 636(b)(1)(c). No objections have been filed within the time allowed, nor has any party asked to extend the time within which to file objections.

The Federal Magistrates Act of 1979, as amended, provides that "a district court shall make a *de novo* determination of those portions of the report or specific proposed findings or recommendations to which objection is made." 28 U.S.C. § 636(b)(1); Camby v. Davis, 718 F.2d 198, 200 (4th Cir.1983). However, "when objections to strictly legal issues are raised and no factual issues are challenged, *de novo* review of the record may be dispensed with." Orpiano v. Johnson, 687 F.2d 44, 47 (4th Cir. 1982). Similarly, *de novo* review is not required by the statute "when a party makes general or conclusory objections that do not direct the court to a specific error in the magistrate judge's proposed findings and recommendations." Id. Moreover, the statute does not on its face require any review at all of issues that are not the subject of an objection. Thomas v. Arn, 474 U.S. 140, 149 (1985); Camby, 718 F.2d at 200. Nonetheless, a district judge

is responsible for the final determination and outcome of the case, and accordingly the court has conducted a careful review of the magistrate judge's recommendation.

After such careful review, the court determines that the recommendation of the magistrate

judge is fully consistent with and supported by current law. Further, the brief factual background

and recitation of issues is supported by the applicable pleadings. Specifically, the court finds that

the magistrate judge's determination that Plaintiff's claims for race and color discrimination are

subject to dismissal because Plaintiff failed to exhaust her administrative remedies is fully

supported by governing law. The court also agrees with the magistrate judge's determinations as

to the 12(b)(6) analysis for Plaintiff's discrimination claims, the matter of untimeliness of

Plaintiff's complaint, and the service issues identified by the magistrate judge as to Defendant Iona

Ivey. Based on such determinations, and the fact that no party has filed objections, the court will

fully affirm the Memorandum and Recommendation and grant relief in accordance therewith.

ORDER

IT IS, THEREFORE, ORDERED that the Memorandum and Recommendation (#21) is AFFIRMED, Defendant's Motion to Dismiss (#11) is GRANTED, and this action is DISMISSED as to all Defendants.

Signed: October 21, 2015

Max O. Cogburn Jr United States District Judge